



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,306	03/07/2000	Michael A. Kepler	1631077-0025	9605

7590

02/04/2003

Alex L Yip  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 02/04/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/520,306

Applicant(s)

KEPLER ET AL.

Examiner

Hector A. Agdeppa

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39 - 66, 68 - 78, and 80 - 86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39 - 66, 68 - 78, and 80 - 86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 11/18/02. Claims 39 – 66, 68 – 78, and 80 - 86 are now pending in the present application. **This action is made final.**

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 39 – 66, 68 – 78, and 80 - 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al.

As to claims 39 – 56, DeLorme et al. teach a system and method wherein a user, an agent, a concierge, or some type of third-party provider can access the system of DeLorme et al. to schedule, preview, and/or plan trips and events and receive/offer map information, reservation/confirmation tickets for events, air travel, restaurants, goods or most any other type of service. The above information is presented to a user or customer of the agent/concierge via Internet, facsimile, paper hardcopy, mobile phone, wireline phone, or most any other electronic means, whether portable (pager/PDA, etc.) or not. Email is not specifically mentioned in DeLorme et al., but in view of the use of the Internet and the system's contemplation of various electronic media, the use of email would be obvious if not inherent. Furthermore, DeLorme et al. teach a directory database for available products, sources, and/or services which may be offered. Also, the system of DeLorme et al. contemplates use for those traveling for example and

therefore, it is seen throughout the description that all goods and services are particular to the region where the user will be staying or traveling to or requires information on, etc. The invention of DeLorme et al. also provides as many available services and goods to a user or customer by providing suggestions or recommendations. Lastly, the invention of DeLorme et al. teach the use of electronic tickets for the aforementioned goods and services such as restaurant or airline reservations, event tickets, etc. that may be sent to or printed out by a user or customer.

What DeLorme et al. do not specifically teach is time limits, updating status of fulfillment requests, and scheduling attempts to provide a user or customer with requested information.

However, inasmuch as the invention of DeLorme et al. contemplates event ticketing and airline reservations, etc. it is inherent that time limits are involved. Furthermore, the invention of DeLorme et al. contemplates further that reservation requests have to be sent to and from third-party providers and that offers may be made and rejected, counteroffers made, etc. If an agent is using the invention of DeLorme et al. to serve a customer, it is inherent that the agent would have to send/receive communications to and from the customer, thereby invoking time limits as to events or airline reservations for example wherein the agent must act or serve the customer within those time limits. Also, a user or customer or agent can use the invention of DeLorme et al. to preview events or services or goods before committing to them and so therefore, again, an agent would have to supply a customer with status updates, at least that the service or goods were reserved or bought, etc. Even if it could be argued that

DeLorme et al. did not read upon the claimed invention as just described, the claimed invention operates just as a standard call center with agents would operate. The agents in a call center receive calls and usually those calls are placed in a queue and prioritized according to various parameters or preferences, timing issues, etc. This queue is analogous to the last action/next action operation of an agent processing requested concierge-like tasks. Many times, a customer is disconnected or cannot hold until a requested or appropriate agent is available and so callbacks must be scheduled between an agent and customer and many times, announcements are played to callers as to wait time, time until completion, etc. Inasmuch as DeLorme et al. teach the possibility of using his invention in a call center/agent-operated environment, it would have been obvious to operate the call center in such a manner as call center is a first aspect of the invention and the actual reservation/scheduling/planning, etc. is simply a second aspect of the invention. Col. 13, line 30 – Col. 16, line 31, Col. 17, line 1 – Col. 22, line 37, Col. 29, lines 45 – 67, Col. 31, line 15 – Col. 32, line 26, Col. 33, line 53 – Col. 34, line 56, Col. 50, lines 27 – 67, Col. 51, line 1 – Col. 53, line 5, Col. 54, lines 21 – 67, Col. 64, lines 1 – 10.

As to claims 57 – 62, DeLorme et al. has been discussed above. Further taught by DeLorme et al. is using a user or customer's preferences to select or provide goods or services as seen in Col. 19, lines 32 – 67. The TRIPS etickets, maps, electronic media can be likened to a second record including at least information concerning a location of the provider, for example, information regarding a certain restaurant that a traveler would come across. The invention of DeLorme et al. in giving a user or

customer the opportunity to make a restaurant reservation, inherently means that an agent, whether local to that area or an actual agent of the restaurant would have to fulfill the reservation request. Furthermore, DeLorme et al. contemplate use of their invention by hotel chains, state tourism bureaus, etc. and as discussed above, a user may modify or reschedule his/her itinerary as so desired. Inherently this means that a user would plan his/her trip and preview or select certain services or goods that might be used or purchased and once the user is in the appropriate locale, using the invention of DeLorme et al. again to alter modify or confirm certain services or goods. Therefore it is obvious if not inherent that an "appropriately located" agent would serve that customer's needs.

Also, including various information on an eticket or "second record" is old and well known. For example, on an airline ticket, contact information must be provided and so inasmuch as the invention of DeLorme et al. teach the ability to provide airline tickets, including a telephone number would be obvious if not inherent. Furthermore, since the invention of DeLorme et al. functions via wireline/less phones, PDA devices, laptops, electronic media, identifying a user is necessary and as is again, so very well known in the arts, such information can be gleaned from caller ID, ANI information, IP address, device ID, etc.

As to claims 63 – 66, 68 – 78, and 80 - 86, DeLorme et al. has been discussed above. Since the invention of DeLorme et al. may be used via wireline/less phone, Internet, mobile service provider, etc. it is inherent that a switching unit would be used and information about a customer taken from the request-originating device and

associated with a user or customer. How else is the invention supposed to operate without some form of switching unit when using a phone for example? Examiner is not aware of any communications technology that exists and operates without the use of a switch or gateway or some type of software providing switching capabilities.

As discussed above, it is obvious if not inherent that a user or customer would use the invention of DeLorme et al. via some agent in a call center. Voice servers, interactive voice response (IVRs) features are almost standard in any call center. Furthermore, most automated services employ the use of some type of voice server acting as an operator. One need only pick up a standard telephone with voice mail service to experience this feature and so even if it can be argued that such is not contemplated by the invention of DeLorme et al., it would certainly be obvious for one skilled in the art to include such a feature therein. Also, DeLorme et al. in Col 14, lines 48 – 52 teach that his invention may be implemented as an automated agent or in Col. 14, line 66 – 13, as a kiosk or any number of automated embodiments. Furthermore, "connecting the communication call to the information assistance service after the request is fulfilled" is simply returning a caller to a main menu for example and is again obvious if not inherent in the invention of DeLorme et al. as already discussed.

### ***Response to Arguments***

3. Applicant's arguments filed 11/18/02 have been fully considered but they are not persuasive.

As to Applicant's arguments regarding the timing issue, of course it is inherent. When dealing with such events as airline ticketing and reservations, the service or concierge HAS to act by a certain time period or else the customer is left high and dry with not ticket or reservation. Moreover, if a reservation is missed or for example, all tickets on a certain flight are sold out, as is either inherent or at the least obvious over DeLorme et al. and standard online ticketing services for example, in response to not meeting a time limit, for example, being too late to reserve a plane ticket for a specific flight, more options are given to reserve tickets on subsequent flights.

Moreover, Examiner in the previous action merely stated that time limits were inherently involved in events such as airline ticketing. As to the actual invention of DeLorme et al., Examiner rejected the claims in question under a USC 103 rejection and not a USC 102 rejection, meaning the implementation or establishing a specific time limit was an obvious modification or addition to the system of DeLorme, NOT that it was inherent.

As to Applicant's arguments regarding the 1<sup>st</sup> and 2<sup>nd</sup> agents fulfilling reservations, it is very old and well known to have local or regional call centers/ACDs wherein agents would be fulfilling services. Therefore, because DeLorme et al. contemplates the use of the system by agents or third party service providers, it is at the very least obvious, that there would a "local" agent servicing a customer.

Moreover, the invention of DeLorme et al., being that it is so flexible and accessible by individual users or service providers, whether direct or third party, all the contemplated variations claimed by present invention are read upon. What Applicant is



arguing as being patentable is simply preferential configurations of agents or third party service providers. Anyone using the system of DeLorme et al. can set up a network or system of agents or service providers, travel agents, etc. in any manner they so choose. This can be done because of the nature of the system of DeLorme et al.

As to Applicant's addition of "directory assistance" to the claims, it is noted that "directory assistance" was already claimed in the now cancelled claims 67 and 79. Now, however, Applicant is expanding the directory assistance limitations to include connecting the call. Firstly, this is everyday, normal directory assistance that I utilized in most any if not all communications systems using directory assistance, i.e., a user accesses the directory assistance and a database is searched and if a match or the requested information is found, connecting the caller to that destination. This was already considered when claims 67 and 79 were previously rejected.

Inasmuch as DeLorme et al. already teaches that ACD/call centers and their agents may use the system, and ACD/call centers are known to employ some type of directory assistance as for example, to reach an agent if the calling party knows the extension or name or to ask the calling party if they have a specific department they want to be connected to. Moreover, it is also old and well known and if not inherent then at the least obvious, that the above-mentioned calling party would then be connected to that agent or department.

Also, directory assistance is old and well known in telephony/communication systems and this being the case, it would be very obvious for one skilled in the art to implement the invention of DeLorme et al. with such directory assistance. The invention

of DeLorme et al. already teaches providing access to various numbers for restaurant reservations or attractions while on a trip for example and so in lieu of this feature, directory assistance would be even more of an obvious addition.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Art Unit: 2642

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.

January 24, 2003

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600